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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/810,664	03/29/2004	Klaus Fischer	03P04986	1125
24252	7590	11/17/2005	EXAMINER	
OSRAM SYLVANIA INC 100 ENDICOTT STREET DANVERS, MA 01923			VU, DAVID HUNG	
			ART UNIT	PAPER NUMBER
			2828	

DATE MAILED: 11/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/810,664	FISCHER ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	David Vu	2828	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Specification***

1. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.
2. The disclosure is objected to because of the following informalities: page 6, "figure 3" should be ---figures 3a, 3b, 3c--- and "figure 4" should be ---figures 4a,4b,4c--.

It seems like the application is a direct translation from a foreign application. Applicant should make appropriate changes to the language in order to bring it into conformance with proper idiomatic English.

3. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, the recitation "...as long as the system power supply is disconnected, a current path bridging the load inputs is created..." renders the claim confusing since as the system power supply is disconnected, power is no longer supplied to the circuit; thus how a current path can "bridge" the load inputs.

Claims 4 and 13-14, "the converter is permanently deactivated." render the claim confusing since the converter could be activated and deactivated again at a later time, not permanently deactivated. The recitation "when the characteristic of the system power supply applied to the load is constant,...." renders the claim unclear as to what characteristic applicant is trying to claim.

Claims 6, the recitation "...it is connected to in each case one system-side input of a rectifier..." is unclear as to what applicant is trying to claim. What is being connected?

Claim 8, the recitation "the inductor of the step-up converter" renders the claim indefinite as lacking the strict antecedent basis since no inductor was recited earlier.

Claims 9 and 17-18, the recitation "...short-circuit the inputs of the load upstream..." is unclear as to what applicant is trying to say; "the inductor" has no antecedent basis since no inductor was recited earlier.

Claim 16, the recitation "the inductor of the step-up converter" renders the claim indefinite as lacking the strict antecedent basis since no inductor was recited earlier.

### ***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent

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granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-5, 7, and 12-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Huber et al (hereinafter Huber), U.S. Pat No 6,731,078.

Huber inherently discloses a method for varying the power consumption of loads having a capacitive input on an AC voltage power supply system by connecting and disconnecting, at the system frequency, the system power supply in each system half-cycle, in that when the system power supply is connected, a smoothing capacitor C2 is charged by means of a converter PFC until the voltage across the smoothing capacitor of the load reaches a predetermined maximum value, see, for example, figure 1, abstract, column 1, lines 43+, column 2, column 3, lines 20+, column 4, lines 1-22. Regarding claim 2, the convert PFC is a step-up converter.

Regarding claims 3 and 12, maximum value of capacitor C2 is reduced when the time at which the system power supply falls below a predetermined minimum value, e.g., when the PFC is deactivated.

Regarding claims 4 and 13-14, converter PFC is deactivated when the power reaches a certain level.

Regarding claim 5, the current path can be connected and disconnected and control element ST, MC is provided for inherently detecting voltage across smoothing capacitor C2 of a load and its system power supply and to connect and disconnect the current path.

Regarding claim 7, the circuit evaluate a signal produced by the system power

supply and to produce a signal for controlling the power consumption of the load LP.

8. Claims 1-5, 7-8, and 12-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Brown, U.S. Pat No 5,960,207.

Brown inherently discloses a method for varying the power consumption of loads having a capacitive input on an AC voltage power supply system by connecting and disconnecting, at the system frequency, the system power supply in each system half-cycle, in that when the system power supply is connected, a smoothing capacitor CB1,CB2 is charged by means of a converter 504, 508, 604, 608, 704, 708 until the voltage across the smoothing capacitor of the load reaches a predetermined maximum value, see, for example, figures 5-7, abstract, columns 5-6, column 7, lines 1-38.

Regarding claim 2, the converter is a step-up converter.

Regarding claims 3 and 12, maximum value of capacitor CB1, CB2 is reduced when the time at which the system power supply falls below a predetermined minimum value.

Regarding claims 4 and 13-14, converter is deactivated when the power reaches a certain level.

Regarding claim 5, the current path can be connected and disconnected and control element 642,742 is provided for indirectly detecting voltage across smoothing capacitor and its system power supply and to connect and disconnect the current path.

Regarding claim 7, the circuit evaluate a signal produced by the system power supply and to produce a signal for controlling the power consumption of the load.

Regarding claim 8, the current path being guided via inductor LS of the step-up

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converter and a transistor QC of the step-up converter can be controlled by control element 642,742, and the step-up converter being designed to operate, once the system power supply has been applied to the load, until the voltage across the smoothing capacitor of the load reaches a predetermined maximum value.

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Huber in view of Brown.

Huber as discussed from the above, substantially discloses the claimed invention but fails to explicitly disclose the current path being guided via an inductor of the step-up converter and a transistor of the step-up converter which can be controlled by a control element. Brown discloses inductor L2 of the step-up converter 508, 504 and a transistor Qc of the step-up converter which can be controlled by a control element (figure 5, column 5, lines 7+). It would have been obvious to one having ordinary skill in the art at the time of applicant's claimed invention was made to have provided the Huber reference with an inductor and a transistor of the step-up converter connected to a

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control element as taught by Brown; thus, current path would have been provided through the inductor.

11. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Huber or Brown.

Brown or Huber as discussed from the above, substantially discloses the claimed invention but fails to explicitly disclose a phase gating dimmer. However, phase gating dimmer is very well known in the lighting art. It would have been obvious to one having ordinary skill in the art at the time of applicant's claimed invention was made to have employed a phase gating dimmer; thus, light intensity would have been regulated.

#### ***Allowable Subject Matter***

12. Claims 6, 9-10, and 15-20 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

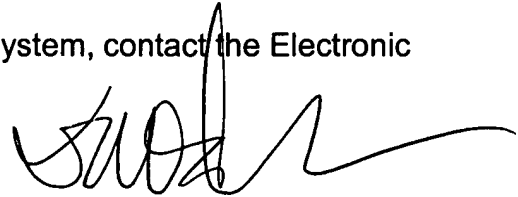
Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Vu whose telephone number is (571) 272-1831. The examiner can normally be reached on M-F 8am-430pm.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'David Vu', with a long horizontal flourish extending to the right.

David Vu  
Primary Examiner  
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dv